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EXAMINER

JONES, HEATHER RAE

ART UNIT PAPER NUMBER

2616

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Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 and 30-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 9, 11-13, 30, 31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windle (U.S. Patent 6,606,117) in view of Amir et al. (U.S. Patent 4,881,127).

Regarding claim 1, Windle discloses a camera (202) comprising: an image data input unit (101) forming an image of a subject for photographing the subject (col. 5, lines 53-63); a condition storing unit (108 - col. 4, lines 39-42) storing a predetermined photographing condition (portrait template) relating to at least one of an expression and characteristic feature (a person's head) of an aimed object (a person) in the image of the subject; and a detecting unit (104) detecting a condition of the aimed object on the image, and the detecting unit (104) detecting a satisfaction of the condition of the aimed object with the predetermined photographing condition (col. 5, lines 13-19; col. 6, lines 18-26). However,

Windle fails to disclose a timing signal generator automatically outputting a timing signal when the detecting unit detects the satisfaction of the photographing condition.

Referring to the Amir et al. reference, Amir et al. discloses an apparatus wherein a detecting unit detects a condition of the aimed object on the image, and the detecting unit detecting a satisfaction of the condition of the aimed object with the predetermined photographing condition; and a timing signal generator automatically outputting a timing signal when the detecting unit detects the satisfaction of the photographing condition (col. 4, line 63 – col. 5, line 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of the timing signal generator automatically outputting a timing signal when the detecting unit detects the satisfaction of the photographing condition as taught by Amir et al. with the camera disclosed by Windle in order to prevent the user from having to do any other further work once the user activates the photographing process allowing the camera to be more user friendly.

Regarding claim 2, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as Windle disclosing that the camera (202) further comprises an extractor (104) extracting data of an aimed object (a person) from the image of the subject based on an extracting condition (col. 6, lines 18-26), wherein the photographing condition includes a predetermined condition (the person's head is properly aligned in the

photograph) related to a desirable aimed object (a person) and the timing signal generator outputs the timing signal when the aimed object satisfies the photographing condition (Fig. 6; col. 7, lines 33-43; it is inherent that once the shutter button is pressed the timing signal generator will output a timing signal to capture the image and the user activates the shutter button once a person's head is aligned correctly according to the template).

Regarding claim 3, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as Amir et al. further disclosing that the extracting condition is based on depth information of the image indicating the distance to each part of the subject (col. 7, lines 26-31).

Regarding claim 5, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 as well as Amir et al. further disclosing that the extractor extracts data of a plurality of the aimed objects from the image; and the timing signal generator outputs the timing signal when the plurality of aimed objects satisfy the photographing condition (col. 5, lines 7-14).

Regarding claim 9, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as Windle disclosing that the camera (202) further comprises an image-pickup control unit (104) controlling the input unit for photographing the image based on the timing signal (col. 5, lines 13-19; the processing unit 104 interprets the user's inputs, therefore the

processing unit would control the input unit to capture the image once the shutter button is activated).

Regarding claim **11**, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as Windle disclosing that the camera (202) further comprises a recording unit (103) recording the image on a replaceable nonvolatile recording medium based on the timing signal (Fig. 1; col. 4, lines 5-7).

Regarding claim **12**, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as Windle disclosing that the camera (202) further comprises an alarm outputting an alarm signal (602) for notifying that the subject satisfies the photographing condition based on the timing signal (Fig. 6, lines 33-43).

Regarding claim **13**, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claim 1 as well as Windle disclosing that the photographing condition includes a plurality of photographing conditions (there are more than one template that may be chosen – Fig. 3), and the camera (202) further comprises a condition-setting unit (Fig. 3 shows a user being able to select which template they desire) previously selecting at least one of the photographing conditions (the portrait template), for photographing the image, from among the plurality of photographing conditions.

Regarding claims **30, 31, 33, and 34**, these are method claims corresponding to the apparatus claims 1, 2, 9, and 11. Therefore, claims 30, 31,

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33, and 34 are analyzed and rejected as previously discussed with respect to claims 1, 2, 9, and 11.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Windle in view of Amir et al. as applied to claim 1 above, and further in view of Isoguchi et al. (U.S. Patent 4,881,127).

Regarding claim **10**, Windle in view of Amir et al. discloses all the limitations as previously discussed with respect to claim 1, except an illuminator illuminating the subject based on the timing signal.

Referring to the Isoguchi et al. reference, Isoguchi et al. discloses a camera comprising an illuminator illuminating the subject based on the timing signal (col. 25, lines 15-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added an illuminator to illuminate the subject based on the timing signal as disclosed by Isoguchi et al. with the camera disclosed by Windle in view of Amir et al. in order to assure that the image is adequately illuminated to obtain a high quality image.

#### ***Allowable Subject Matter***

5. Claims 4, 6-8, 14, 15, 32, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a camera or a method (in combination with the other elements claimed):

- a. Wherein the extractor detects data of a judgement location from the data of the aimed object in the image based on a detecting condition different from the extracting condition, the photographing condition includes a predetermined photographing condition related to a desirable judgement location, and the timing signal generator outputs the timing signal when the judgement location satisfies the photographing condition (claims 4 and 32, claims 14 and 15 depend from claim 4 and claims 35 and 36 depend from claim 32).
- b. Wherein the timing signal generator outputs the timing signal when the ratio of the aimed objects satisfying the photographing condition against all of the plurality of the aimed object exceeds a predetermined ratio (claim 6).
- c. Wherein the extractor detects data of a plurality of judgement locations from each of the data of the plurality of aimed objects based on a detecting condition different from the photographing condition, the photographing condition includes a predetermined photographing condition related to the judgement location, and the timing signal generator outputs the timing signal when the plurality of the judgement locations satisfy the photographing condition (claim 7; and claim 8 depends from claim 7).



***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Heather R Jones  
Examiner  
Art Unit 2616

HRJ  
February 17, 2006

MEHRDAD DASTOURI  
SUPERVISORY PATENT EXAMINER  
TC 2600

*Mehrdad Dastouri*